

SENATE BILL 3764

By Bunch

AN ACT to amend Tennessee Code Annotated, Title 4,  
Chapter 51, Part 1, relative to the Tennessee  
education lottery.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 4, Chapter 51, Part 1, is amended by  
adding a new section thereto, as follows:

Section 4-51-136.

(a) To the extent not prohibited by federal law, or by any federal waiver received by the state that waives any or all of the provisions of Title XIX of the Social Security Act as amended (P.L. 89-97) or pursuant to any other federal law as adopted by amendment to the required Title XIX state plan, the department of human services and bureau of TennCare shall notify the corporation of any person who has received public assistance benefits that were given to or on behalf of such individual for the prior ten (10) years.

(b) The corporation shall set forth the procedures for crediting any lottery prize of six hundred dollars (\$600) or more awarded to an individual against any and all public assistance benefits which were given to or on behalf of such individual within a period of up to ten (10) years prior to the issuance of such prize of which the director of the lottery has been notified by the commissioner of human services and bureau of TennCare; provided, that in no event shall such credit to the department of human services and bureau of TennCare exceed fifty percent (50%) of any such lottery prize.

(c) Prior to awarding any lottery prize of six hundred dollars (\$600) or more, the corporation shall review public assistance benefits paid by the department of human services and the bureau of TennCare. For each lottery prize winner identified as an individual who is receiving or has received, within the last ten (10) years, public assistance benefits, the corporation shall credit to the department of human services and the bureau of TennCare such amount of the prize to satisfy the amount of public assistance benefits indicated as received within the previous ten (10) years, and any remainder shall be awarded to the prize winner; provided, however, in no event shall such credit to the department of human services and bureau of TennCare exceed fifty percent (50%) of any such lottery prize.

(d) The corporation shall certify to the commissioner of finance and administration the total amount of the lottery prize winnings to be credited against public assistance benefits owed to the state and the remainder of such prize winning to be awarded to the prize winner.

(e) The corporation shall notify the prize winner in writing of the total amount of the lottery prize winning to be credited against public assistance benefits and the remainder of such prize winning to be awarded to the prize winner. Such notice shall further advise the prize winner that the department of human services and the bureau of TennCare shall provide separate notices in writing to the prize winner of the procedure for and time frame by which the prize winner may contest such crediting.

(f) The department of human services and the bureau of TennCare shall notify the prize winner in writing of the amount of such prize winnings to be credited against public assistance benefits and the procedure and time frame by

which the prize winner may contest such crediting. Such procedure shall include the address and telephone number of the department of human services and the bureau of TennCare and who the prize winner may contact with respect to correction of any error in such crediting concerning such individual's liability for public assistance benefits or with respect to payment of such liability.

(g) From the time the corporation is notified by the department of human services and the bureau of TennCare of an individual's liability for public assistance benefits under the agreement provided for in this section, the corporation shall be relieved from all liability to such individual, their assigns, successors, heirs or representatives for the amount of any lottery prize winning of six hundred dollars (\$600) or more certified to the comptroller to be credited against public assistance benefits and such individual shall have no right to commence a court action or proceeding or to any other legal recourse against the division of the lottery to recover such lottery winnings certified to the comptroller to be credited against public assistance benefits. Nothing in this section shall be construed to prohibit such individual from proceeding against the department of human services and the bureau of TennCare to recover that part of such lottery winnings certified to the commissioner of finance and administration to be credited against public assistance benefits that is greater than the public assistance benefits paid to such individual within ten (10) years of the date of such certification.

SECTION 2. This act shall take effect July 1, 2010, the public welfare requiring it.